

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 8253 of 1998

For Approval and Signature:

Hon'ble MR.JUSTICE M.S.PARIKH

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

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DINESHBHAI A THAKORE

Versus

STATE OF GUJARAT

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Appearance:

MR HARIN P RAVAL for Petitioner

MR KT DAVE Asstt GP for Respondents Nos 1 & 3.

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CORAM : MR.JUSTICE M.S.PARIKH

Date of decision: 29/09/98

ORAL JUDGEMENT

Leave to delete respondents NO. 2, 4 and 5.  
Rule. Service of rule is waived by Mr. K.T.Dave,  
learned Assistant Government Pleader appearing for  
respondents No. 1 and 3 (Now respondents No. 1 and 2).

2. Heard.

3. The petitioner is before this Court challenging

his removal as a Sarpanch of the Thaltej Gram Panchayat. The petitioner has a remedy by way of appeal under section 57 (3) of the Gujarat Panchayats Act, 1993. The petitioner's request is that his removal should not be operative else his remedy by way of appeal would stand frustrated and become infructuous. Hence, on the facts and in the circumstances of the case, following directions are issued :

4. The petitioner will prefer appeal against the impugned order on or before 6th October, 1998. The petitioner will also prefer appropriate stay application in the said appeal. In the meantime, there shall be stay of the order of the District Development Officer which is to be challenged in appeal. In case, the petitioner's stay application is rejected or dismissed, the stay will continue thereafter for a period of one week from the date of such rejection. Subject to these directions, this petition is disposed of. Rule is discharged. No order as to cost.

29.9.1998. (M.S.Parikh,J.)

Vyas